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IN THE UNITED STATES District Court  
 For THE MIDDLE DISTRICT of Alabama

EDWIN D. DENNIS, JR., )  
 Plaintiff )

v. )

TOMMY THREAT, et al )  
 Defendant )

Civil action No. 3:05-CV-919-T

Plaintiff's Answer to Defendants Special Report

Come Now Edwin Dennis, Plaintiff in the  
 above styled cause, and submit his answer to  
 the defendants special report.

## INTRODUCTION

On 12/16/2005 Defendants filed a  
 special report to Plaintiff's allegations  
 against them. On or about the 18<sup>th</sup> of  
 same month ~~defendants~~ Plaintiff recieved by  
 mail above mentioned special report from  
 Defendants lawyers. On 1/6/2006 the court  
 ordered plaintiff to answer defendants  
 special report and disclaimers.

Plaintiff is in custody of the lee  
 county justice center as of Feb 22<sup>nd</sup> 2006.  
 He was arrested for non violent offences

of manufacturing and trafficking meth-amphetamines. He was placed in F-4 of the facility pending trial. Defendants deny the allegations plaintiff has filed on and plaintiff states that while he has not been a model prisoner he is still entitled rights other inmates are intitled to. Plaintiff also states that defendants special report is filled with non truths and questionable evidence offered as proof to the court. Plaintiff also observes that defendants hide behind immunity amendments and reform acts that the plaintiff is unable to study and therefor answer due to the limited access to law library materials and the certain fact that the Books required to study and answer properly or not present in said law library. Plaintiff will due his best to follow the courts ~~order~~ order to answer the defendants special report.

Answer To Defendants Special report -  
I. Facts - A. Failure to protect claim.

Defendants attempt to discredit plaintiff as a violent and troublesome inmate. They claim that I assaulted Randy Templeton on July 23<sup>rd</sup> 2005. Said assault happened

on July 14<sup>th</sup> 2005 as shown on Exhibit E - Inmate File; Documents - Regarding assault on July 23, 2005. The Lee county sheriff department special report on the subject clearly gives the date. The 7-23-05 date is the date in which the disciplinary was rewritten in order to justify punishment that should have been put aside due to the extended period of time between incident and action.

Plaintiff also states that if the officers were enforcing Standard operating procedure and not hurrying along sick call the incident would not have happened.

F-wing is divided into six different cells. S.O.P. Is for each cell to be taken to whatever event is under way separately there for insuring Inmates do not mingle with Inmates in other cells who are potentially enemies. This ~~process~~ <sup>process</sup> is common with most jail facilities is routinely not observed at the Lee county detention facility. During said incident inmates from every cell on F-wing were pulled out and taken to the nurse call. The Plaintiff and Cecil Templeton have a case together and were not suppose to be around each other. The incident stemmed from failure

to comply with correct procedures by the officers.

Defendants also claim that plaintiff was moved from F-wing to E-wing to where State Inmates and also Violent Inmates were housed to separate him from Inmate Templeton and later also to avoid a fight is false. As before said F-wing is divided into six different and separate cells.

Plaintiff should have been moved to another cell on F-wing. In fact, Plaintiff did not have to be moved at all because of the Templeton incident. Plaintiff was already housed separately. It was due to lack of discipline on the officers part the incident happened at all. Defendants claim that plaintiff assaulted another Inmate the day after he was released from Segregation is false and deliberately made false to incure a violent nature to plaintiff. Plaintiff was put in segregation on the 14th of July 2005, on the day of incident with templeton (see Exhibit E - Sheriff Department special report - subject - Assault on F/m Templeton of Defendants special report.) Plaintiff was released from segregation on the 18th of July 2005 and placed in the cell with convicted

State inmates and Inmates with violent cases. Six days later on the 23<sup>rd</sup> of July 2005 plaintiff was served with a disciplinary for incident with templetone. On July 24<sup>th</sup> 2005 the plaintiff was to engage in a fight with another Inmate.

~~On July 24<sup>th</sup> 2005~~ On 23/July/2005 officer Tommy Threat informed Inmate Teddy Houston that Edwin Dennis and several other inmates had written several Request forms on him explaining that he had been causing problems and that they wanted Inmate Houston moved to avoid trouble. (See Exhibit A; Affidavit of Edwin Dennis - Exhibit B; Affidavit of Jeffrey Smith - Exhibit C; Affidavit of Johnathan Revells).

Teddy Houston immediately began cursing Inmate Dennis after Officer Threat left. (See Exhibits A-B-C). The next morning after the doors were opened and breakfast served Inmate Houston again went to cursing the other inmates while talking to officer Aaron. Inmate Houston had already stated the night before he was going to assault someone when the doors were opened. ~~That~~ While talking to Aaron inmate indicated that Inmate Dennis was

the main one. Inmate Dennis injured the inmate after Aaron stated that "You need to do what ever you need to do. Just do it when I'm gone." During the fight that ensued the plaintiff was injured.

Plaintiff has tried to file grievance forms but has been unable to get one. It has been explained that Lee County does not have grievance forms. Only request forms. Plaintiff requested an audience with Mr. Tarbert and or with Lt Welch.

He also wrote several request forms complaining about various things and also asking for the address to the Alabama Board of adjustments. Seemingly they did not receive the request or refused to answer. Hence plaintiff can not write to the Alabama Board of adjustments.

### Answer to Defendants Special Report I. Facts - B. Medical Claims

Defendants argue that inmates are given prompt medical attention. They argue that he was treated for the trauma to his mouth and teeth.

On the 24<sup>th</sup> of July 2005 in the

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a.m. Mr. Dennis was involved in a fight with Inmate Teddy Houston.

During the fight his back wisdom was knocked loose from the mandible. For eight hours he tried to go see the nurse but was told by officer Crittman that she was not present at the facility. About 4:00 P.M. Inmate Dennis was taken to disciplinary court concerning fight with Inmate Templeton.

Sgt Tabb was ask by plaintiff if he could see the nurse because of his tooth and the Sgt said yes. Sgt Tabb also noted the swelling to the jaw of plaintiff.

While at the nurse station nurse Burke said that yes the jaw was swollen but she was not able to do anything for it. Inmate Dennis was placed on the Doctors list for the following week. During the 4 days between the incident and the doctors visit Inmate Dennis was given nothing for pain even though he could not spit or swallow. The Doctor had x rays taken because he thought the jaw could be broken. He also prescribed pain medication for pain.

During the x ray process the attendant informed Inmate Dennis that the machine brought to the jail offered

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a very limited view and that he might have to be taken to the hospital where more advanced machines could be used. She said only the Dr could order these though. The x ray report in Exhibit I of the special report clearly states that only a limited view was available. Inmate Dennis continued to complain that he was in pain and could not chew. Finally - two weeks later on 8/12/05 Dennis was taken to the Dentist. During his visit Dr. N.E. Botter took another x ray of Dennis's #32 wisdom tooth and informed Dennis that the tooth was broke away from the mandible and that the bone of the mandible was splintered around the tooth sight. He then surgically extracted the tooth. (See Exhibit m of Detachments special report). On Sept 8<sup>th</sup> 2005 the plaintiff slipped on a standing puddle of water coming out of the shower. He hurt his shoulder. He asked several officers to take him to see the nurse and was told to fill out a request form. On the 9<sup>th</sup> he was taken to see nurse Burke. He informed



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Shoulder and his inability to lay down because of the injury to his shoulder. She put him on the Doctor's list but refused to give him any form of pain reliever. On the 13th of Sept 2005 Inmate Dennis saw the Doctor and was prescribed pain medication. Also prescribed muscle relaxers.

Lee County often lets inmates suffer days and sometimes weeks at a time before addressing their medical needs. They are indifferent to inmates pain. Often when asked for medical assistance staff says since your not dying you can wait. If an inmate persist to ask for medical treatment immediately they are placed into solitary confinement so that other inmates don't get upset about the denial of prompt medical treatment. In part II. of defendant's special report Defendants claim that the shoulder injury was acquired during another time having nothing to do with lack of floor mat in shower but said incident pertained to the right shoulder. It was the left shoulder injured in shower. (SEE Exhibit D - Aff. of George Worthington)

Plaintiffs answer to Defendants Special Report part 1.c conditions of confinement.

Defendants states that shower mats are provided to inmates. Shower mats were not placed in cells so that inmates could use them until the 17th of Sept. 2005. 4 days after Plaintiff fell in front of showers. Defendants also claim that shoulder had previously been diagnosed with arthritis and had been treated for another injury during wrestling with another Inmate.

This is false. The Plaintiff (Right) shoulder has arthritis and was injured while wrestling. Plaintiff's (Left) shoulder was injured in the fall in the shower.

Plaintiff would also note to court that the Defendants have repeatedly tried to confuse the court with half truths and lies.

Plaintiff answer to Defendants Special Report part 1.d Access to courts claim.

Plaintiff recieved mail from The middle district court that had been opened. It was the civil suit 83 forms. Plaintiff told % Pontellis about

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The open mail and Pontellis informed Sgt. Parquett who said he would investigate the matter. He later stated that he had turned the investigation to Mr. Torbert who was looking into the situation. The mail that was opened contained a civil suit packet sent by the middle district court of Alabama. Everything but the first page which was the instructions was removed.

Plaintiff's answer to Defendants special report part I.E - Plaintiff's noncompliance with the grievance procedures of the Lee County Jail.

Defendants state inmates are given grievance forms to submit to staff and that each one is acted on. This is a Bold lie. There are no grievance forms at Lee County Jail. That is what staff tells the inmates. See ~~Affidavit~~ Exhibit E Affidavit of Inmates. Only request forms are given out and request forms that inmates transform into grievance forms are never returned answered. Nor are they acted upon. Several inmates have

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asked for grievance forms and only received Inmate request forms (see Exhibit E)

Plaintiff's answer to Defendants Special report part II. A. Law - A. Claims by Plaintiff against defendants in their official capacities must fail based on Eleventh Amendment immunity and because they are not "persons" under 42 U.S.C. § 1983.

Defendants are offered Immunity under their official capacities because they are not "persons". Plaintiff states that Defendants are liable or should be because they failed to act according to S.O.P. of the official capacities. Neglecting to take necessary measures to insure Inmate safety and prompt medical needs. Defendants abuse the Eleventh ~~Immunity~~ amendment immunity and hide behind it. If someone is not held accountable for his actions who is responsible. Defendants were negligent in the official capacities and should therefore be held accountable.

Plaintiff's answers to Defendants special report part II. B. 1 - Plaintiff has failed to exhaust all administrative remedies and comply with the Prison litigation

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reform act.

Defendants claim plaintiff did not file grievance forms for Lee county jail or the Alabama Board of adjustment. Plaintiff is unable to file such grievance forms due to Lee county's lack of grievance forms. Also plaintiff has written several request forms asking for the address to the board of adjustments. Lee county jail has refused the plaintiff the address and no grievance forms are available in the Lee county jail. Furthermore request forms submitted as grievance forms are never returned answer and at all. Subsequently Lee county jail is directly responsible for plaintiff's inability to exhaust Administrative remedies.

Plaintiff's answer to defendants special report — part II.B.3

Plaintiff has shown physical injuries that are greater than de minimis and therefore claim should stand.

Plaintiff answer to Defendants special report part II.C

Defendants clearly crossed certain

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constitutional rights when they failed to move a troublesome inmate whom several inmates had signed request forms addressing the situation (see Exhibits A-B-C) with Teddy Houston. Then antagonizing Mr. Houston by informing him of the actions of the other inmates. Further more when Edwin Dennis was hurt during the fight with Houston that never should have happened had Houston been moved they failed to give Dennis prompt medical relief or attention. While the proper constitutional law is not listed here due to the lack of access to law material it should not be dismissed. Defendants clearly intend Dennis to not be able to follow through with legal arguments by keeping him ignorant of the law.

Plaintiff's Answer to defendants special report part II.C.1

Plaintiff has shown that during his incarceration he was put at substantial risk for harm by being placed with convicted and violent criminals unnecessarily.

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Plaintiffs answer to Defendants special report part II.C.2

Plaintiff has shown a serious time delay between the time of his injuries and the limited medical attention given to him.

The defendants own Exhibit I and J and K-L clearly show the defendants request for medical attention and the extended length of time he was made to suffer before his tooth which has been broken away from the bone was finally attended to by a dentist.

Then again with Exhibit N-O when the plaintiff suffered ~~an~~ an injury to his Left shoulder. Also plaintiff would note the The nurse Debby Burk has been fired from her job for not sufficiently doing her duties.

Plaintiffs answer to Defendants special report part II.C.3

Plaintiff has clearly shown that he has suffered from actionable harm that could have been avoided by the defendants and that defendants do intend to stymie his attempts to bring it before the courts by

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deliberately hindering his law research with the inadequacy of the law library and also refusal to accommodate him with the use of a copy machine or even copy paper. The copy paper in use was "smuggled" in to the plaintiff.

Plaintiff answer to Defendants special report Part II, C. 4

Plaintiff has shown that Defendants were not only Indifferent to the fact that the Plaintiff and other inmates had issues with Teddy Houston but did in fact instigate the conflict to such a point as Plaintiff was engaged in a fight and was injured. Furthermore they neglected to properly address his medical needs in a timely ~~condition~~ manner causing him to suffer unnecessarily for weeks.

Plaintiff Answer to Defendants special report Part II, D.

Plaintiff has shown ~~that~~ the Defendants actions which pertain to his injuries. (see Exhibit A)

Plaintiffs Answer to Defendants Special report Part II, D. 1

Plaintiff has ~~sworn~~ sworn on



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Affidavit out (see exhibit A) as to the personal involvement of each individual defendants. Also has submitted Affidavits given by other inmates present during the incidents in question.

Plaintiffs answer to Defendants Special report Part II D. 2

Plaintiff affidavit clearly states Debby Burkes involvement and the defendants. Exhibits I-O show Nurse Burkes lack of medical attention to Plaintiff request of medical assistance.

Plaintiff's answer to Defendants special report Part II F.

Plaintiff has presented evidence from disinterested witnesses as well as other physical evidence.

### Conclusion

Defendants clearly have neglected to adequately supply with requested attention to safety as well as medical needs.

Also Defendants have attempted to camouflage certain facts by not giving attention to request's forms or grievance forms handed to staff. And Also that anything labeled "Grievance form" is

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"misplaced" or thrown away as a possible means to discredit knowledge of incidents with violate constitutional rights as well as federal and state laws.

Motion for court to take action.

Plaintiff respectfully and humbly ask the court to take action against Defendants and bring this case before the court.

Respectfully Submitted this 29<sup>th</sup> day of January 2006

Edwin Dee Davis  
P.O. Box 2407  
Opelika AL 36801

Motion for court to appoint legal council to plaintiff.

Plaintiff respectfully ask to appoint him some type of legal assistance as he is woefully inadequate to the task and is at extreme disadvantage.

Edwin D Davis  
P.O. Box 2407  
Opelika AL 36801

## Certificate of Oath

I Edwin D Dennis do here  
by swear that all prior material  
is accurate to my understanding.  
Notary ~~Rep~~ Public is unavailable  
to me and this is my true Oath.

Edwin D Dennis.  
EDWIN DENNIS

## Certificate of Service.

I hereby certify that on  
the 30th of January 2006 I  
sent by United States mail a  
true and correct copy of the  
forgoing to. →

Edwin D Dennis

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